

App. Ser. No. 10/719,077  
Reply to Office action of May 16, 2005

### **REMARKS/ARGUMENTS**

In the May 16, 2005 office Action, the Examiner rejected Claims 1-26 under USC 35  
5 102(a) under United States Patent 6,597,777 (Ho). The undersigned conducted a telephone in-  
terview with the Examiner and based on the telephone interview, Applicant amends Claims 1,  
and 3-26 and cancels Claim 2 to further clarify the present invention. New claims 27-35 are  
added. Claim 1, and 3-35 are now pending of which Claim 1, 5, 7, 10, 17, 21 and 27 are inde-  
pendent claims. Applicants respectfully request allowance of the pending claims based on the  
10 telephone interview, amendments and the remarks below.

### **Telephone Interview Summary**

Applicant thanks the Examiner for his time in granting a telephone interview that was  
conducted on 8/8/2005. A summary of the interview (PTOL-413) is attached herewith. The un-  
dersigned provided an overview of Ho, stating that Ho is trying to solve anomalies in network  
15 traffic, due to "the failure or performance degradation of a non-managed element that can have a  
deleterious effect on the entire network". (Ho, Col. 2, Lines 22-24). "Further during periods of  
high traffic intensity, such as during Christmas holiday shopping season, resource services for  
the Visa and Mastercard service classes may be oversubscribed". (Col 2, lines 31-34). In Ho,  
"each transaction is uniquely identified with" a "4-tuple". (Ho, Col 4, line 36-37). Based on that,  
20 "traffic intensities are directly created from the observed transaction duration and transaction ini-  
tiation time for those transactions within each service class. Traffic intensity is a measure of the  
number of active transactions devoted to a particular service class as a function of time, subject  
to the size of a binning interval,  $\delta T$ . (Ho, Col 5, line 13-18). "An anomaly is detected when the

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real-time traffic intensity at a certain time, computed from the current data using the binning interval, is greater than the predicted upper threshold or less than the predicted time-dependant lower threshold for longer than a predetermined interval. (Ho, Col 3, lines 27-32).

The undersigned then explained how present invention, as stated in amended Claim 1, is  
5 a system for monitoring events in a storage area network and is different from Ho. An agreement was reached that if "fabric switch" and "a performance monitoring module" (from the cancelled Claim 2) is added to Claim 1, then that will overcome Ho. Applicant has amended Claim 1 and the other independent claims.

**Rejection Under 35 USC § 102(a)**

10 The Examiner had rejected Claims 1-26 under Ho. Based on the following remarks, the telephone interview and the claim amendments; the pending Claims 1,3-35 are allowable.

**Claim 1:**

The present invention as stated in amended Claim 1 is "a system for monitoring events in a storage area network. The system comprises "a fibre channel fabric switch element having a  
15 port monitoring agent that monitors at least a parameter value and detects when a parameter value varies from a threshold value for a parameter, wherein the port monitoring agent sends a message to a performance monitoring module to process an event when the parameter value varies from the threshold value". (Amended Claim 1). Ho does not disclose the features of amended Claim 1, as described above and discussed during the telephone interview. Therefore, Claim 1 is  
20 patentably distinguishable over Ho, and Applicant respectfully request allowance of Claim 1.

**Claim 2:**

Applicant has cancelled this claim.

**Claims 3-4:**

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Claims 3-4 depend from Claim 1 and are thus patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 1. Therefore, Applicant respectfully request allowance of Claims 3-4.

Claim 5:

5 Claim 5 is patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 1. Therefore, Applicant respectfully request allowance of Claim 5.

Claim 6:

Claim 6 depends from Claim 5 and is thus patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 5. Therefore, Applicant respectfully request allowance of Claim 6.

Claim 7:

Claim 7 is patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 1. Therefore, Applicant respectfully request allowance of Claim 7.

Claim 8-9:

15 Claims 8-9 depend from Claim 7 and are thus patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 7. Therefore, Applicant respectfully requests allowance of Claims 8-9.

Claim 10:

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Claim 10 is patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 1. Therefore, Applicant respectfully request allowance of Claim 10.

Claim 11-16:

Claims 11-16 depend from Claim 10 and are thus patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 10. Therefore, Applicant respectfully request allowance of Claims 11-16.

Claim 17:

Claim 17 is patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 1. Therefore, Applicant respectfully request allowance of Claim 17.

10 Claims 18-20:

Claims 18-20 depend from Claim 17 and are thus patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 17. Therefore, Applicant respectfully request allowance of Claims 18-20.

Claims 21:

15 Claim 21 is patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 1. Therefore, Applicant respectfully request allowance of Claim 21.

Claims 22-26:

Claims 22-26 depend from Claim 21 and are thus patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 21. Therefore, Applicant respectfully request allowance of Claims 22-26.

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New Claims 27-35:

Claims 27-35 are patentably distinguished over Ho for at least the same reasons provided above with respect to Claim 1. Therefore, Applicant respectfully request allowance of Claims 27-35.

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CONCLUSION

For the foregoing reasons, Applicants believe Claims 1, 3-35 are allowable, and a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949)-955-1920.

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Dated: 08/05/05

Respectfully submitted,

  
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I hereby certify that this correspondence is being faxed to the USPTO, fax number 571-273-8300 on

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08/15/05

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Signature

August 15, 2005

Attorney for Applicant(s)

Date of Signature

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